IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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TUESDAY, THE SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.2235 OF 2006

Between**:**

Kuna Srinivasa Rao & Anr. … Petitioner

Versus

Uppal Municipality, represented by its

Commissioner, Uppal,

Ranga Reddy district & Ors. … Respondents

Counsel for the Petitioners: Mr.Vedula Venkataramana

Counsel for the Respondents: GP for Revenue

GP for Irrigation &Command

Area Development

SC for MPL.

O R D E R :

Heard both sides.

It is stated that the first petitioner is the owner of plot no.10, which comprises of sub-plot nos. 14 and 15 admeasuring 255 sq.yards in survey no.44 of Ramanthapur village, Uppal Revenue Mandal, Ranga Reddy district, having purchased the same

under a registered sale deed dated 11-09-1996. Whereas the second petitioner is the owner and possessor of plot no.10 comprising of sub-plot nos.13 and 14 admeasuring 200 sq.yards situated in survey no.44 of Ramanthapur village, Uppal Revenue Mandal, Ranga Reddy district, having purchased the same under a registered sale deed dated 11-09-1996. As the petitioners are desirous of making construction over the said plot of land for their residential purpose, they have submitted necessary plans with necessary fee to the first respondent-municipality. As the constructions sought to be made in a non-layout plan, the petitioners made application before the Urban Development Authority and the Urban Development Authority forwarded the same to the Uppal Municipality for technical sanction of the building plan for the construction of their residential house in accordance with the fulfillment of certain terms and conditions.

It is stated that the first respondent-municipality has not granted sanction plan on the ground that the area is coming within the submergible area of Ramanthapur tank in survey no.14. It is further stated that the Mandal Revenue Officer, Uppal, Ranga Reddy district issued a certificate dated 24-3-2004 in Lr.No.B/1995/2004 stating that the Plot Nos. 14 and 15 part only covering survey no.44 is located outside submergible area of survey no.44 of Peddacheruvu tank of Uppal Mandal. A similar certificate in respect of Plot Nos. 13 and 14 part was also issued. It is stated that one Mr.G.Jalandhar was the owner of plot nos. 14 and 15 part in survey no.44 of Ramanthapur (v) and in similar circumstances, WP.No.16397 of 2004 filed by him was disposed of on 13-4-2005.

Having regard to the facts and circumstances and in view of the submission made

by the petitioners, I consider it appropriate to direct the petitioners to furnish an undertaking that they would construct the building as per the building rules etc., at their own risk and would not claim any compensation for the building in the event of the respondents initiating proceedings for acquiring land for preserving the full tank level and since the land of the petitioners presently is outside the tank area, there can be no impediment for the respondents processing the application of the petitioners keeping in view the said undertaking. Therefore, the writ petition is disposed of with a direction to the first respondent to consider the application of the petitioners and see whether it is in accordance with the provisions of the AP Municipalities Act and the building rules and regulations and master plan etc., of the Urban Development Authorities and if all the requirements are satisfied, not to reject the same merely on the basis that it falls within the full tank level of Pedda Cheruvu and consider the same subject to the undertaking given by the petitioners that they are undertaking the construction at their own risk and would not claim compensation for the building, or for the other eventualities in case of risk or acquisition for preserving the land for full tank level.

With the above direction, the writ petition is disposed of. No costs.

FEBRUARY 7th, 2005. ----------

I s L. V. ESWARAIAH, J.

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